Remarks

Claims 1-37 were pending. Claim 36 has been amended only to incorporate limitations of the base claim and any intervening claim. Claims 20-27 and 32-35 have been cancelled Applicants assert that there can be no new issues requiring further search and consideration after final. Applicants further assert that claims 1-19, 28-31, and 367-37 are in condition for allowance after final as set forth more fully below and respectfully request that the finality of the current rejections be withdrawn.

Interview Summary

During an exchange of telephone calls on December 1, 2005, the undersigned asserted that the Ying reference fails to disclose a capacitive coupling. The Examiner pointed to the drawings of the current specification to indicate that a capacitive coupling was shown as an electrical coupling as it was in Ying, such that Ying has a capacitive coupling as well. The Examiner indicated that the Applicant could present arguments to the contrary.

102 Rejections - Ying

Claims 1, 3-7, 10, 12-13, 15-18, 20-21, 23, 26-27, 28-30 and 32-37 stand rejected under 35 USC §102(e) as being anticipated by Ying (US Pat 6,307,511). Applicants respectfully traverse these rejections.

Claim 1

The Office Action rejects independent claim 1 by stating that Ying teaches all of its elements. The Office Action equates the cellular phone with a foldable housing element (or a "flip") accommodating a printed antenna pattern of electrically conductive material creating a conductive trace (Col. 2, l. 24-30; Col. 3, l. 45-64; Col. 4, l. 50-55) connected to the radio circuitry of the phone at a common node (Fig. 3, 3; Col. 3, l. 58-59) in Ying, to the device in claim 1. Further, the Office Action equates the external antenna connector **46, 56, 67, 77** (Fig. 4, 46; Fig. 5, 56; Fig 6, 67; Fig, 7, 77; Col. 4, l. 56-59; Col. 5, l. 22-24 and l. 36-40) in Ying to the capacitive connection in claim 1 between

the planar antenna on the exterior of the housing and the signal processing circuit inside the housing.

Claim 1 recites a cover pivotally attached to the housing such that said cover is pivotable from a first position wherein it covers the keypad to another position wherein the keypad is exposed and a planar antenna attached to the exterior of both the cover and the housing where the planar antenna is capacitively coupled to the signal processing circuit. These recitations of claim 1 are contrary to Ying.

Initially, Applicants point out that a capacitive coupling in the general sense is a term of art involving a capacitance in series within a circuit. In that case, the circuit appears as an open circuit to direct current but alternating current flows within the circuit such that the capacitance represents a smaller impedance to the electrical current as the frequency of the alternating current increases. The series capacitance is the result of a space between electrodes, the space being non-conductive and possibly including a dielectric such as air or some o the non-conductive material. The specification of the present application provides at page 15, and with reference to FIG. 3, that the communication device has an internal antenna 24 and then the external antenna 50 that is associated with the cover. It is evident from the phantom line nature of antenna 24 relative to the solid line nature of antenna 50 in FIG. 3, and from the specification's discussion that the two are not physically coupled, but are capacitively coupled, that the antenna 50 associated with the cover, as claimed in claim 1, does not have a hard-wired electrical connection to antenna 24 or other circuitry within the housing of the communications device.

Ying, on the other hand, specifically discloses that there is an external antenna connector 46 of FIG. 4, 56 of FIG. 5, 67 of FIG. 6 and 77 of FIG. 7. There is no other purpose for an external antenna connector other than to create a direct electrical connection, i.e., a physical coupling that conducts electrical current regardless of frequency, to the circuitry inside the phone. Such an external antenna connector cannot be considered a capacitive coupling as claimed in claim 1 and as set forth in the specification of the present application at page 15 without some disclosure of Ying indicating that the external connector forms a capacitive coupling. There is no such disclosure. To the contrary, Ying specifically discloses that there is not a series

capacitance forming a capacitive coupling. FIG. 3 of Ying clearly shows that there is a direct electrical pathway that does NOT include any capacitance between the node 3 of the antennas and the radio circuit 4 of the device. To construe Ying to be disclosing a capacitive coupling is an impermissible application of hindsight based on the disclosure of the present application.

Accordingly, claim 1 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 2-19 depend from allowable claim 1 and are also allowable over Ying for at least the same reasons.

Claim 28

The Office Action rejects independent claim 28 by stating that Ying teaches all of its elements. The Office Action equates the portable wireless communication device with a flip accommodating a printed antenna pattern of electrically conductive material hinged to the radio circuitry of the wireless device in Ying (Figs. 2, 4-7; Col.2, lines 24-34; Col. 3, l. 56-64; Col. 3, l. 56-64; Col. 4, l. 24-49) to the device recited in claim 28.

Claim 28 recites a portable wireless communication device, comprising a housing, a signal-receiving circuitry in said housing, a signal-transmitting circuitry in said housing and an antenna movably attached to the housing and capacitively coupled to said signal-receiving circuitry and said signal-transmitting circuitry. These recitations of claim 28 are contrary to Ying for the same reasons discussed above for claim 1.

Accordingly, claim 28 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claims 29 and 30 depend from allowable claim 28 and are also allowable over Ying for at least the same reasons.

Claim 36

Amended claim 36 includes all of the recitations of the base claim and any intervening claim and therefore, does not include any new subject matter requiring further search and/or consideration. Furthermore, claim 36 recites, in part, wherein said enhancing comprises capacitively coupling an antenna to the signal receiving circuitry and said signal-transmitting circuitry. These recitations of claim 36 are contrary to Ying for the

same reasons discussed above for claim 1.

Accordingly, claim 36 includes recitations not disclosed by Ying and is allowable over Ying for at least these reasons. Dependent claim 37 depends from allowable claim 36 and is also allowable over Ying for at least the same reasons.

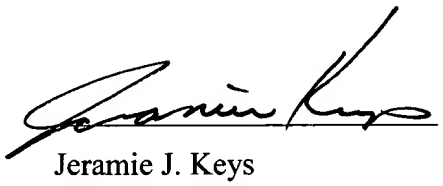
Conclusion

Applicants assert that the application including the specification, drawings and claims 1-37 is in condition for allowance. Applicants request reconsideration after final in view of the amendment and remarks above and further request that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: December 6, 2005



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